

Tuesday, June 17, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-39. This is the time set for consideration of the Consent Agenda.

Chairperson Gibson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 39 on the following vote is indicated for each item.

Motion by: Adam Hill

Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to receive and file update of current drought conditions confirming the continuing need for the March 11, 2014 Proclamation of Local Emergency pursuant to Government Code section 8630. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. Request to approve Amendment No. 1 to the agreement with Shaw/Yoder/Antwih, Inc. and Peterson Consulting extending the term of the agreement to provide state lobbyist and advocacy services through June 30, 2018. All Districts.

The Board approves as recommended by the County Administrative Officer.

3. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Ed Kurtz to the Arroyo Grande/San Luis Obispo (unincorporated) Local Area Advisory Board. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

4. Submittal of a resolution to accept the 2014-15 Appropriation Limitation calculation for San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-133, adopted.

Consent Agenda - District Attorney Items:

5. Submittal of a resolution authorizing the District Attorney to sign an agreement (Clerk's File) between the County and the California Victim Compensation and Government Claims Board (VCGCB) to enable the District Attorney's Victim/Witness Assistance Division to continue providing direct payment of emergency funeral/burial, relocation, and crime scene clean-up expenses for crime victims pursuant to Government code Section 13954(c) for FY 2014-17. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-134, adopted.

Consent Agenda - General Services Agency Items:

6. Submittal of a resolution to amend the deed restriction on the parking lot property owned by the Port San Luis Harbor District located at First Street and San Francisco Street in Avila Beach. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-135, adopted.

7. Request to authorize a budget adjustment in the amount of \$120,000 from Quimby District 4 to increase funds previously appropriated to replace the Nipomo Community Park Playground located at Pomeroy Road and West Tefft Street in Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer.

8. Submittal of a resolution commending Jack "Greg" Willis upon his retirement after 11 years of service to San Luis Obispo County General Services Agency. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-136, adopted.

Consent Agenda - Health Agency Items:

9. Request to approve a three year (July 2014 through June 2017) renewal agreement (Clerk's File) with French Hospital Medical Center to serve as a ST-segment Elevation Myocardial Infarction (STEMI) Receiving Center. All Districts.

The Board approves as recommended by the County Administrative Officer.

10. Request to approve five two-year (FY's 2014-15 and 2015-16) renewal agreements (Clerk's File) totaling \$591,127 with the Children and Families (First 5) Commission of San Luis Obispo County and one two-year renewal agreement (Clerk's File) in the amount of \$183,799 with French Hospital Medical Center, to promote early childhood development. All Districts.

The Board approves as recommended by the County Administrative Officer.

11. Request to accept a bequest to Animal Services from the Estate of Greta Kraum in the amount of \$310,015. All Districts.

Mr. Jeff Hamm - Health Agency Director: speaks.

The Board approves as recommended by the County Administrative Officer.

12. Request to approve the FY 2014-15 renewal contract with Maxim Healthcare Services (Clerk's File) in the amount not to exceed \$33,000 to provide skilled nursing and psychiatric technician personnel to supplement County staff at the County's Psychiatric Health Facility and Jail Facility. All Districts.

The Board approves as recommended by the County Administrative Officer.

13. Request to approve five renewal contracts and three new contracts (Clerk's File) for FY 2014-15 in the

cumulative amount not to exceed \$468,000 with eight Sober Living Environment (SLE) facilities to provide sober living environment housing in collaboration with drug and alcohol treatment services. All Districts.

Mr. Jeff Hamm - Health Agency Director: speaks.

This item is amended by replacing the recommendation to correct contractor names. The recommendation should read as follows: "It is recommended that the Board approve five (5) renewal contracts and three (3) new contracts for FY 2014-15 with Captive Hearts, Casa Solana, Coastal Recovery Project, Inc., Gatehelp, Inc. dba Gryphon Society, House of Serenity, Middle House, Restoration House and Heal A Heart Ranch in the cumulative amount not to exceed \$468,000 to provide sober living environment housing in collaboration with drug and alcohol treatment services." Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

- 14.** Request to approve renewal contracts for FY 2014-15 with Medical Doctor Associates, Inc., Jackson & Coker, DrWanted.com LLC, California Locums, P.C., and Daniel and Yeager, Inc. (Clerk's File) in the cumulative amount not to exceed \$297,000 to provide locum tenens (temporary) licensed psychiatrist services. All Districts.

This item is amended by replacing the subject line and staff report to correct contractor names. The subject should read as follows: "Request to approve renewal contracts for FY 2014-15 with Medical Doctor Associates, LLC, Jackson & Coker Locum Tenens, LLC, DrWanted.com LLC, California Locums, P.C., and Daniel and Yeager, Inc. (Clerk's File) in the cumulative amount not to exceed \$297,000 to provide locum tenens (temporary) licensed psychiatrist services. All Districts." Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Library Items:

- 15.** Request to approve the attached Memorandum of Understanding between the County of San Luis Obispo and the Morro Bay Friends of the Library regarding the renovation of the existing Morro Bay Library at 625 Harbor Street in Morro Bay. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

- 16.** Submittal of Amendment #4A to Amendment Contract #4 with Marine Research Specialists, to provide additional consultant services for the preparation of a Revised Draft Environmental Impact Report (EIR) for the Phillips 66 Rail Spur Project in the amount of \$360,689. District 4.

The Board approves as recommended by the County Administrative Officer.

- 17.** Submittal of a resolution accepting an Avigation Easement from Maino and Witcher for the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-137, adopted.

- 18.** Submittal of a resolution authorizing the department of Planning & Building to submit an application to the California Department of Housing and Community Development for a CalHome grant in the amount of \$1,000,000 for the County's First Time Home Buyer Program. All Districts.

This item is amended by reducing the grant request for the First Time Home Buyer Program to \$500,000 and include a request for \$500,000 for the Water Well Rehabilitation Program; replacing the subject line as follows: "Request to authorize an application to the California Department of Housing and Community Development for a CalHome grant for the County's First Time Home Buyer Program and the Water Well Rehabilitation Program. All Districts."; and by replacing the recommendation, staff report discussion, and resolution to reflect these changes. Further, the Board

approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2014-138, adopted as amended.

19. Submittal of resolutions authorizing the Department of Planning and Building to submit applications to the California Coastal Commission and the Ocean Protection Council for two grants in the amount of \$50,000 each to conduct a sea level rise study for the Los Osos Community Plan update. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NOS. 2014-139 and 2014-140, adopted.

20. Submittal of a resolution and an amended Affordable Housing Agreement for the Borges project in Cambria. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-141, adopted.

Consent Agenda - Public Works Items:

21. Submittal of a resolution to initiate proceedings to levy annual assessments for the Nipomo Lighting District Tract 1747 Assessment District. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-142, adopted.

22. Submittal of a resolution vacating Railroad Avenue (a paper street) by Summary Vacation, and finding that the project is exempt from section 21000 et. seq. of the California Public Resources Code (CEQA), in the unincorporated community of Edna. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-143, adopted.

23. Submittal of a resolution establishing the 2014-15 special tax rate, and confirming the per parcel special tax amount to be placed on the 2014-15 tax roll for County Service Area No. 9, Zone I (East of Los Osos Creek). District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-144, adopted.

24. The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on the tentative map: Parcel Map CO 06-0088, a proposed subdivision resulting in 4 lots by Zaca Street 21, LLC, in the community of Templeton; and act on the attached resolution to accept the relinquishment of ingress and egress. District 1.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-145, adopted.

25. Request to authorize a budget adjustment, in the amount of \$7,815, from FY 2013-14 unanticipated revenues to Fund Center 475 – Nipomo Lighting professional services account. District 4.

The Board approves as recommended by the County Administrative Officer.

26. Request to approve a Solid Waste Collection Franchise Agreement with Mid-State Solid Waste and Recycling, Inc. Districts 1 and 5.

The Board approves as recommended by the County Administrative Officer.

27. Submittal of bid opening report for sidewalk improvements for Crocker Street in Templeton, to award the subject contract to CalPortland Construction, the lowest responsible bidder, in the amount of \$74,400. District 1.

The Board approves as recommended by the County Administrative Officer.

28. Submittal of bid opening report for 2014 Pavement Surface Treatment, Various County Roads, San Luis Obispo County, to award the subject contract to Intermountain Slurry Seal, the lowest responsible bidder, in the amount of \$1,011,900. Districts 1, 2, and 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda Public Works - Board Sitting as Flood Control District:

29. Submittal of a resolution to levy assessments for Flood Control Zone 18 (Cambria West Village Area). District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-146, adopted.

30. Submittal of a resolution to levy assessments for Flood Control Zones 1 and 1A (Arroyo Grande/Oceano Area). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-147, adopted.

31. Submittal of resolution to levy additional annual assessments for Flood Control Zones 1 and 1A (Arroyo Grande/Oceano Area). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-148, adopted.

32. Submittal of a resolution to levy assessment for Flood Control Zone 16 (Nipomo, San Miguel, and Shandon Areas). Districts 1 and 4.

Mr. Dave Flynn - Public Works Deputy Director: amends this item by replacing the resolution to correct a clerical error in the header of the resolution for processing. Further, states no changes are being made to the content of the resolution.

This item is amended by replacing the resolution to correct a clerical error in the header of the resolution for processing. The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-149.

33. Submittal of bid opening report for removal and replacement of the Reservoir Liner at the Santa Margarita Booster Station Reservoir in Santa Margarita, to award the subject contract to EC Applications, Inc., the lowest responsible bidder, in the amount of \$245,800. District 5.

The Board approves as recommended by the County Administrative Officer.

34. Request to approve bylaws for the Paso Robles Groundwater Basin Advisory Committee and five appointments to the Paso Robles Groundwater Basin Advisory Committee. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Sheriff - Coroner Items:

35. Submittal of a resolution to accept funds from the Anti-Drug Abuse Enforcement Team grant (ADA) from the Board of State and Community Corrections (BSCC) in the amount of \$121,946 and certify that the Sheriff-Coroner is authorized to submit and sign all contracts and grant documents related to this program. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-150, adopted.

Consent Agenda - Social Services Items:

36. Request to approve a renewal service contract (Clerk's File) for child care services with Community Action Partnership of San Luis Obispo County, Inc., for Fiscal Year 2014-15 in the amount of \$1,520,049. All Districts.

The Board approves as recommended by the County Administrative Officer.

37. Request to approve a renewal service contract (Clerk's File) for Emergency Shelter, Crisis-Stabilization Foster Care, and Wraparound Foster Care with Family Care Network, Inc., a local foster family agency, for Fiscal Year 2014-15 in the amount of \$4,591,404. All Districts.

The Board approves as recommended by the County Administrative Officer.

38. Request to approve three renewal service contracts (Clerk's File) for CalWORKs Work-study, Bridge to Success, and the Independent Living Program/Extended Foster Care with San Luis Obispo County Community College District (Cuesta) for Fiscal Year 2014-15 in the amounts of \$75,000, \$65,000 and \$380,594 respectively. All Districts.

The Board approves as recommended by the County Administrative Officer.

39. Request to approve the Child Care Planning Council's Priorities for the California Department of Education Child Development Program. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

40. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Ms. Cindy Steinbeck: speaks to the value of groundwater basin storage space; the Paso Robles Groundwater Basin, and thanks Supervisor Arnold for placing the matter of AB 2453 on today's agenda.

Ms. Ben DiFatta; Ms. Julie Tacker; and Ms. Linde Owen: comment on Paavo Ogren. Additionally, Mr. DiFatta and Ms. Owen, speak to the Los Osos Wastewater Project (LOWWP).

Mr. Eric Greening: addresses a Government Code pertaining to placing an item on a future agenda; comments on two peer review studies titled "Physicians Scientists & Engineers (PSE) Study Citation Database Shale Gas & Tight Oil Development" and "PSE Healthy Energy Library".

Dr. C. Hite and Mr. Gary Kirkland: commend Supervisor Arnold for her efforts on getting the added item on today's agenda for public input. Additionally, Dr. Hite, speaks to how the Government moves forward without listening to the people.

Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): addresses issues with the schedule of items nos. 43 and 47, and the two added items regarding the adoption of the FY 2014-15 Proposed Budget and the consideration of proposed amendments AB 2453.

Mr. Bill Pelfrey: discusses his concerns with the Board of Supervisors and books titled "Federal Papers" and "Sustainable Communities: A New Design Synthesis for Cities, Suburbs and Towns". **No action taken.**

Added Item - Hearing:

49. Hearing to consider adoption of the FY 2014-15 Proposed Budget including: 1) a resolution adopting

budgets for the County and Board Governed Special Districts; and 2) a resolution adopting the FY 2014-15 Position Allocation List (Clerk's File). All Districts.

(This item was added to the agenda, per the addendum to the agenda. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Chairperson Gibson: opens the floor to public comment.

Ms. Gwen Pelfrey: speaks.

The Board closes the FY 2014-2015 budget hearings; RESOLUTION NO. 2014-151, a resolution adopting the County budget and budgets for Board Governed Special Districts for Fiscal Year 2014-2015; and RESOLUTION NO. 2014-152, a resolution allocating positions for Fiscal Year 2014-2015, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

41.
- Hearing to consider a resolution amending the 2010, 2012 and 2014 Action Plans to facilitate compliance with expenditure deadlines for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs by reallocating some CDBG funds and allocating HOME funds to the Courtland Street Apartments Project. All Districts.

Chairperson Gibson: opens the floor to public comment.

Mr. Ken Trigueiro - Peoples Self Help Housing: speaks.

RESOLUTION NO. 2014-153, a resolution approving and authorizing submittal of an amendment to the Urban County of San Luis Obispo Program Year 2010, 2012, and 2014 Action Plans of the Urban County of San Luis Obispo 2010 Consolidated Plan for the Community Development Block Grant (CDBG), adopted.

Motion by: Caren Ray
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

42.
- Hearing to consider a request by the County of San Luis Obispo to amend the Land Use Ordinance, Title 22 and the Coastal Zone Land Use Ordinance, Title 23 to add Sections 22.70.035 and 23.01.046 referring to reasonable accommodations in order to provide individuals with disabilities flexibility in the application of land use regulations. This project is exempt under CEQA. All Districts.

(This item is amended, per the addendum to the agenda, by adding recommendation numbers 2 and 3. The recommendation should read as follows: “It is recommended that the Board: 1. Hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached exhibits and staff report; 2. Consider the Planning Commission

recommendation on the amendments; and 3. Take final action on the amendments by adopting and instructing the Chairperson to sign the attached ordinances.”)

Chairperson Gibson: opens the floor to public comment without response.

The Board holds the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached exhibits and staff report; and considers the Planning Commission’s recommendation on the amendments. Furthermore, the readings of the proposed ordinances are waived and said proposed ordinances are read by title only and **ORDINANCE NO. 3262**, an ordinance adding section 22.70.035 to the Land Use Ordinance (LUO), Title 22 of the County Code referring to reasonable accommodations. The purpose of the amendments is to provide individuals with disability flexibility in the application of land use regulations; and **ORDINANCE NO. 3263**, an ordinance adding section 23.01.046 to the Coastal Zone Land Use Ordinance (CZLUO), Title 23 of the County Code referring to reasonable accommodations. The purpose of the amendments is to provide individuals with disability flexibility in the application of land use regulations, adopted.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

43. Hearing to consider a resolution for a request by the County of San Luis Obispo for General Plan Amendments to: 1) incorporate information relative to infrastructure needs and financing within the “Disadvantaged Communities” of Shandon, San Miguel and Oceano into the County Land Use and Circulation Elements as required by Government Code Section 65302.10 (Senate Bill 244), and 2) make numerous updates and amendments to the Housing Element (Clerk’s File) of the County General Plan including a new five-year Regional Housing Needs Plan as required by State law; and approve the CEQA exemption and addendum to the previously issued Negative Declaration respectively. All Districts.

Chairperson Gibson: opens the floor to public comment on General Plan amendments relating to “Disadvantaged Communities”.

Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB) and Mr. Bill Pelfrey: speak.

The Board tentatively approves General Plan amendments relating to “Disadvantaged Communities”, LRP2013-00014.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Mr. Dana Lilley - Planning and Building: enters into the record a letter from the Building, Design and Construction (BD&C) Cluster of the Economic Vitality Corporation (EVC) Economic Strategy Project group.

Chairperson Gibson: opens the floor to public comment on amendments to the Housing Element.

Ms. Christine Rogers - EVC; Ms. Kathleen Bellefontaine – Commission on Aging Chairperson; Mr. Mike Brown – COLAB (chart); Mr. Bill Pelfrey; and Mr. Gary Kirkland: speak.

Chairperson Gibson: proposes a change to the Housing Element on page 4-16, section HE 1.10 by keeping the first sentence and replacing the remaining language to read: “The intent of this policy is to support the affordable housing objectives of this Element, which will require the efficient and strategic use of land. This policy supports the development of ordinances which encourage increased residential densities on multi-family land, consistent with Program HE 1.F. This policy is not intended to prevent the approval of housing projects having less than allowable densities that are otherwise consistent with County ordinances and policies.”, is discussed.

The Board amends section HE 1.10 to the Housing Element as stated by Chairperson Gibson and tentatively approves General Plan amendments to the Housing Element, LRP2012-00010, as amended.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)		x		
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)		x		

Ms. Kami Griffin – Department of Planning and Building Assistant Director: amends the resolution in section No. 2, by correcting the title of the exhibit for the Shandon Community Plan to read “Exhibit LRP2013-00014:D” not “Exhibit LRP2013-00014:C” and in section No. 3, by correcting the title of the exhibit for the San Miguel Community Plan to read “Exhibit LRP2013-00014:C” not “Exhibit LRP2013-00014:D”. Additionally, titles the Housing Element to read “Exhibit LRP2012-00010:B”.

Supervisors Mecham and Arnold: outline why they will not support the motion.

The Board amends the resolution in section No. 2, by correcting the title of the exhibit for the Shandon Community Plan to read “Exhibit LRP2013-00014:D” not “Exhibit LRP2013-00014:C” and in section No. 3, by correcting the title of the exhibit for the San Miguel Community Plan to read “Exhibit LRP2013-00014:C” not “Exhibit LRP2013-00014:D”. Further, amends the Housing Element to properly title it “Exhibit LRP2012-00010:B”. Further, RESOLUTION NO. 2014-154, a resolution to amend the San Luis Obispo County General Plan, the Land Use and Circulation Element, the Housing Element, the Oceano Community Plan, the Shandon Community Plan, and the San Miguel Community Plan and to approve environmental documents, adopted as amended. Furthermore, the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3264, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)		x		
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)		x		

Closed Session Items:

44. The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel -Anticipated Litigation (Government Code, section 54956.9.) 1. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 2. SLOCEA-Public Services, Supervisors, Clerical; 3. SLOCEA-Trades and Crafts.

Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

45. Submittal of a resolution commending Paavo A. Ogren for his outstanding service as Public Works Director and for twenty-three years of Public Service with the County of San Luis Obispo in the Public Works Department. All Districts.

Mr. Dave Flynn – Public Works Deputy Director: speaks.

Chairperson Gibson: opens the floor to public comment.

Mr. Richard Clark and Ms. Gretchen Clark: speak.

Mr. Paavo Ogren – Public Works Director: speaks.

RESOLUTIO NO. 2014-155, a resolution commending Paavo A. Ogren for his outstanding service as Public Works Director and for twenty-three years of public service with the County of San Luis Obispo in the Public Works Department, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business - Public Works - Board Sitting as Flood Control District

46. Request to: 1) receive Integrated Regional Water Management (IRWM) Plan and eligibility update; 2) approve the attached resolution designating the Director of Public Works or Interim Director of Public Works, or designee, as the authorized representative to file a grant application and execute a grant agreement for the 2014 IRWM Program Drought Implementation Grant; 3) authorize a budget adjustment, in the amount of \$88,226, from unanticipated revenues to Fund Center (FC) 201 – Public Works Special Services professional services account; and 4) carry forward unspent appropriation to the subsequent fiscal year. All Districts.

Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening; Mr. Greg Grewall; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Ms. Amanda Rice; Mr. Bill Pelfrey; Ms. Gwen Pelfrey; and Ms. Cindy Steinbeck: speak.

On motion by Supervisor Adam Hill, seconded by Chairperson Bruce S. Gibson, to approve staff recommendations, is discussed.

Supervisor Arnold: outlines her concerns approving staff recommendations.

The Board: 1) receives grant eligibility and IRWM Plan update; 2) RESOLUTION NO. 2014-156, a resolution designating the Director of Public Works, or Interim Director of Public Works or designee, as the authorized representative to file a grant application and execute a grant agreement for an Integrated Regional Water Management Program Drought Implementation Grant, adopted; 3) approves a budget adjustment in the amount of \$88,226 from FY 2013-14 unanticipated revenues to Fund Center (FC) 201 – Public Works Special Services professional services account; and 4) authorizes the Auditor-Controller’s Office to carry forward any unspent appropriation to the subsequent fiscal year, recommendation No. 3 fails.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)		x		
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)		x		

Mr. Paavo Ogren – Public Works Director: addresses the consequences of failing to pass the budget adjustment and states they will need to come back with subsequent recommendations.

The Board approves a budget adjustment in the amount of \$88,226 from FY 2013-14 unanticipated revenues to Fund Center (FC) 201 – Public Works Special Services professional services account, motion fails.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)		x		
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)		x		

The Board directs staff to explore other sources of funding to continue their efforts and report back to the Board.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearing:

47. Hearing to consider a resolution setting forth a determination of established vested right(s) at the Whale Rock Pit / Cayucos Pit – CA Mine ID #91-40-0010 located at 1424 Old Creek Road, east of the community of Cayucos including the scope and nature of surface mining activities included within the established vested right(s). District 2.

Clerk: swears in all persons intending to present any evidence or facts in this matter.

Mr. Murry Wilson – Planning and Building: amends recommendation No. 4 by adding “dozing and skip loading to trucks.”

Mr. Brad Johnson – representing Negranti & Sons, Inc.: provides a powerpoint presentation and enters into the record documentation.

Board Members: address the new evidence presented by Mr. Johnson, with Ms. Whitney McDonald – Deputy County Counsel, Mr. Johnson, and Mr. Wilson responding.

Chairperson Gibson: opens the floor to public comment.

Mr. Paul Choucalas: speaks.

On motion by Supervisor Adam Hill, seconded by Supervisor Frank R. Mecham, the Board unanimously agrees to continue the meeting past 5:00 P.M.

Mr. Johnson: provides closing statements.

The Board continues this matter to Tuesday, October 21, 2014 and directs staff to review the materials that were presented by Mr. Johnson in paper form and in his powerpoint presentation; review Mr. Johnson’s interpretation of the Hanson decision; and try to come to the best possible understanding of the situation as of the vesting date of 1975.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Added Item – Board Business:

48. Consideration of AB 2453 regarding 1) proposed specific amendments to the bill from the California State Senate Governance and Finance Committee, and 2) a conceptual framework for implementation suggested by the California State Senate Governance and Finance Committee staff. Districts 1 and 5.

(This item was added to the agenda, per the addendum to the agenda. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Chairperson Gibson: opens the floor to public comment.

Ms. Jan Seals – PRO Water Equity Treasurer; Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Mr. Tom Hansen; Mr. Michael Raine; Mr. Andrew Pitoniak; Mr. George Norancic; Mr. Bill Stansbury; Ms. Barbara Radisavljevic; Mr. Gary Kirkland; Mr. Fritz Helzer; Mr. Steve Sinton; Mr. Jeff Van Nest; Mr. Bob Thomas; Mr. Kosta Radisavljevic; Mr. John Crossland; Mr. Andrew Christie – Director San Lucia Chapter of the Sierra Club; Ms. Della Barrett; Mr. Matt Merrill; Mr. Bob Brown; Ms. Colleen Mitchell (documents); Ms. Kathleen Sweet (handout); Ms. Nanci Palmer; Ms. Gwen Pelfrey; Ms. Patricia Wilmore – Paso Robles Wine Country Alliance Government Affairs Coordinator; Ms. CC Coats; Mr. Joseph Sulse (email); Mr. Paul Clark – Farm Bureau (letter); Mr. Dana Merrill; Ms. Joyce Albright; Mr. Gary Reichard; Mr. Michael Baugh; Mr. Greg Grewall; Mr. Cody Ferguson; Ms. Bev Phifer; Ms. Ann Myhre (letter); Ms. Laurie Alexiev; Ms. Maria Lorca (letters); Ms. Patty King; Ms. Julie McCloskey (letters); Ms. Elsa Dawson; Mr. Tom Dawson; Ms. Cindy Steinbeck (letters); Mr. Edward Veek; Mr. Eric Greening; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Bill Pelfrey; and Mr. Mike Ryan: speak.

Board Members: discuss the proposed amendments to Assembly Bill (AB) 2453.

On motion by Supervisor Debbie Arnold, to oppose the amendments to AB2453 unless an amendment is added to require the formation vote be based on a one person one vote, with Supervisor Frank R. Mecham seconding the motion for discussion.

Chairperson Gibson: outlines why he is opposed to the motion.

The Board opposes the proposed amendments to AB2453 unless an amendment is added to require the formation vote be based on a one person one vote.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)		x		
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)		x		
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Members: further discuss the formation vote.

Chairperson Gibson: asks for clarification on who votes on the formation vote of a one person one vote, with Supervisor Mecham suggesting a one person one vote for landowners.

A motion by Supervisor Debbie Arnold, to clarify that the formation vote is to require a one person one vote by landowner, is discussed. Supervisor Mecham, requests the motion be amended to support the specific amendments to AB2453, as of June 4, 2014, as long as it is amended to include the one person one vote per landowner, is discussed. Furthermore, the motion maker clarifies the motion should be worded to oppose the amendments to AB2453 unless amended to require that the formation vote be one person one vote by landowner, with Supervisor Mecham, seconding the motion.

Ms. Rita Neal – County Counsel: addresses the proper way to clarify the original motion.

The Board defines the one person one vote to be one landowner one vote.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)		x		
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)		x		
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Members: discuss the conceptual framework implementation of the proposed water district suggested by Senate Governance and Finance Committee staff.

A motion by Supervisor Frank R. Mecham, to support the conceptual framework as suggested by the Senate committee, is discussed.

The motion on the floor fails for lack of a second.

Supervisor Arnold: recommends the motion language should be to oppose the amendments unless an additional amendment is added to require the formation vote be a one person one vote, with Ms. Neal, questioning if this is applying to both concepts, with Supervisor Arnold responding yes. Supervisor Mecham seconds the motion language proposed by Supervisor Arnold, for discussion.

Supervisors Ray and Mecham: outline why they can’t support the motion, specifically relating to the first concept that provides for the Board of Supervisors to appoint the nine (9) members of the Board.

Mr. Buckshi: clarifies the second concept that relates to the creation of a "trigger" has two parts, one proposed by the Senate committee and one from PRAAGS and PRO Water Equity, with Board

Members responding.

On motion by Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to oppose the conceptual amendments (including both concepts) unless an additional amendment is added to require the formation vote to be one person one vote.

On motion by Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to oppose the conceptual amendment that provides for the Board of Supervisors to appoint the nine (9) members of the Board.

Chairperson Gibson: states he is opposing the motion.

The motion maker and the second withdraw their original motion which included both concepts, motion dies.

Supervisor Mecham withdraws his second on the motion to oppose the conceptual amendment that provides for the Board of Supervisors to appoint the nine (9) members of the Board.

On motion by Supervisor Debbie Arnold, seconded by Supervisor Caren Ray, to oppose the Senate staff conceptual amendment that this Board appoint members to the Water District Board, is discussed.

Chairperson Gibson: states he opposes the motion.

The motion maker amends the motion to state that the Board is opposing the conceptual amendment that provides for the Board of Supervisors to appoint the nine (9) members of the Board unless there is an added amendment on the formation vote to be one person one vote, defined as one landowner one vote, with the second concurring.

The Board opposes the conceptual amendment that provides for the Board of Supervisors to appoint the nine (9) members of the Board unless there is an added amendment on the formation vote to be one person one vote, defined as one landowner one vote.

Motion by: Debbie Arnold
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)		x		
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)		x		
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

The Board opposes the Senate Committee concept regarding the creation of a “trigger” for the conversion of the district from a hybrid landowner voting district to a 100% registered voter district.

Motion by: Frank R. Mecham
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Members: comment on the concepts indentified by PRAAGS and PRO Water Equity.

The Board opposes the triggers indentified by PRAAGS and PRO Water Equity unless amended to require the formation vote be one person, one vote, which is defined as one landowner one vote, motion fails.

Motion by: Debbie Arnold
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)		x		
Mecham, Frank R. (Vice Chairperson)		x		
Hill, Adam (Board Member)		x		
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Chairperson Gibson: states the Board is opposed to the concept proposed by the Senate committee and has no position on the concept suggested by PRAAGS and PRO Water Equity.

Board Members: address how the adopted 2014 Legislative Platform is to be interpreted regarding any future amendments to AB2453.

A motion by Supervisor Debbie Arnold, that when amendments come in regarding AB2453, that the Board individually follow it and weigh in on each Board Member’s individual stationary, is discussed.

Supervisor Mecham: questions the Brown Act, with Ms. Neal responding and clarifying if the motion on the floor is for any future amendments on AB2453, that each individual Board Member could give their own opinion as to those amendments and not speak for the entire Board, with the motion maker concurring. Further, states if there is a desire to speak for the entire Board, a special meeting could be called to discuss those amendments.

Mr. Buckshi: asks for clarification on the motion and if this means that when they receive a request from the State on future amendments requesting feedback, comments, and the Board’s position, his statement will be that the Board is not going to take a position on this formally and to refer to letters from individual District Members, with Board Members and Ms. Neal responding.

Supervisor Arnold: clarifies her motion is if future amendments, are proposed, that staff send each Board Member a Legislative alert and each Board Member is responsible for responding individually, with Ms. Neal suggesting that when each Board Member is providing an individual opinion, that it is clear that the opinion is not the position of the entire Board.

Chairperson Gibson: restates the motion as he understands it, and asks if the Board is abandoning the Legislative Platform on this matter and that every Board position on AB2453, hence forth, requires agendized action by this Board, with Board Members responding.

The motion on the floor fails for a lack of a second.

Board Members: further discuss how to handle future amendments to AB2453, with Ms. Neal responding.

On motion by Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to abandon the use of the Legislative Platform on the matter of AB2453 only, and the entire Board can still take a position on AB2453 if agendized, is discussed.

Supervisor Ray: states she is opposing the motion.

Mr. Buckshi: restates and clarifies the motion is that Board is abandoning the use of the Legislative Platform and process on the matter of AB2453 only, and that any inquires from the State will go to each Board Member for their individual consideration, with the motion maker and the second concurring.

Chairperson Gibson: states he will support the motion since both District 1 and District 5 Supervisors are choosing to abandon the Legislative Platform.

The Board abandons the use of the Legislative Platform and process on the matter of AB2453 only, and any inquiries from the State will go to each Board Member for their individual consideration.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)		x		
Ray, Caren (Board Member)		x		
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, June 17, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: June 26, 2014